

## REMARKS

Claims 10-24 as submitted are pending. Claims 1-11 and 25-35 have been withdrawn. Claims 10, 14, 16, and 22 have been amended. Entry of these amendments is respectfully requested.

No new matter is believed to have been added by the proposed amendments. Amendments to the claims are supported by the specification of the instant application at Fig. 3, element 100 and at page 10, ll. 7-11.

### **Claims 10-12 are not anticipated or rendered obvious by *Wada***

Claims 10-13 stand rejected under 35 U.S.C. § 102(b), as being anticipated by *Wada* (AU 698697), or in the alternative, under 35 U.S.C. § 103 as obvious over *Wada*. This rejection has been overcome by appropriate amendment. Applicants respectfully traverse this rejection on the grounds that Applicants do not claim the apparatus of the present invention in terms only of function, property or characteristic. Therefore, the rejection under 35 U.S.C. § 103 is inappropriate.

Applicants have amended independent claim 10 to include an absorbent core including an activating member. As shown in Fig. 4, an activating member may be a layer of the absorbent core. The present invention includes an absorbent article that resists creasing when packaged in a double or tri-folded configuration. By including an activating member, the article not resists creasing, but independently moves from a folded condition to an unfolded condition without the aid of manual force. One example of an activating member that would be suitable for use in the present invention is a body side absorbent layer, desirably made of a resilient crease-resistant material. (p. 10, ll. 7-11). However, other suitable members are contemplated.

By contrast, *Wada* discloses, in Fig. 4, a napkin that, when picked out of the envelope 2 and placed on a horizontal surface, retains residual stress marks of folding along the fold lines 12 and 13. (*Wada*, p. 6-7.). This is exactly opposite of what the Applicants claim in the instant application. In fact, Applicants claim an absorbent article that resists permanent creasing and independently opens to greater than a 90° angle upon release from its package. *Wada* teaches that it would be desirable to maintain the residual stress created by the fold lines of the napkin to force the central portion of the

napkin against the wearer's skin, to prevent leakage. (*Wada*, p. 8). Therefore, *Wada* actually teaches away from what is claimed in the instant application, to eliminate the creases in a folded product and to eliminate any residual stress that may be created by remaining fold lines.

Also, *Wada* does not teach or suggest the use of an activating member which would prevent creasing and aid the article to independently move its end portions from a folded condition to an unfolded condition. *Wada* discloses that it would require manual force to open the napkin to beyond a 90° angle once released from its package. Thus, the structural features of the claimed invention are not the same as those disclosed in *Wada*. Therefore, *Wada* neither anticipates nor renders obvious the claimed invention because it does not teach or suggest each and every element of the claimed invention. Applicants respectfully request the Examiner to withdraw the rejection to these claims.

**Claims 14-24 are not obvious in view of *Wada* and *Tanzer***

Claims 14-24 stand rejected under 35 U.S.C. § 103 in view of *Wada* and further in view of *Tanzer* (U.S. Pat. No. 6,429,350). As discussed above, the rejection has been obviated by appropriate amendment. Independent claims 10, 16, and 22 include an absorbent core including an activating member. *Wada* does not teach or suggest the use of this member, nor does it suggest an article that is independently movable from a folded to an unfolded condition. *Tanzer* does not remedy these deficiencies. Specifically, *Tanzer* does not teach or suggest the use of an activating member to create independent movement of a folded article from a folded to an unfolded condition. *Tanzer* does not disclose a folded article at all, but rather a diaper, presumably not packaged in individual wrappers. Therefore, it would not have been obvious to one of skill in the art to combine the cited references to create the claimed invention. In addition, even if combined, the references do not teach or suggest each and every element of the claimed invention. Applicants respectfully request this rejection be withdrawn.

### SUMMARY

Claims 10-24, as amended, are now in condition for allowance. Applicants respectfully request the Examiner grant early allowance of this application. The Examiner is invited to contact the undersigned attorneys for the Applicant via telephone if such communication would expedite this application.

Respectfully submitted,

A handwritten signature in black ink that reads "Amanda Miller". The signature is written in a cursive style with a large, sweeping initial 'A'.

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